

Joseph R. Saveri (State Bar No. 130064)  
Cadio Zirpoli (State Bar No. 179108)  
Christopher K.L. Young (State Bar No. 318371)  
Kathleen J. McMahon (State Bar No. 340007)

**JOSEPH SAVERI LAW FIRM, LLP**

601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
Email: jsaveri@saverilawfirm.com  
czirpoli@saverilawfirm.com  
cyoung@saverilawfirm.com  
kcmcmahon@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, CA 90027  
Telephone: (323) 968-2632  
Facsimile: (415) 395-9940  
Email: mb@buttericklaw.com

*Counsel for Individual and Representative Plaintiffs  
and the Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, Sarah Silverman, and  
Christopher Golden,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.

Defendant.

**Case No. 3:23-cv-03417-VC**

**PLAINTIFFS' ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED (L.R. 3-12, 7-11)**

Michael Chabon, David Henry Hwang, Matthew  
Klam, Rachel Louise Snyder, and Ayelet  
Waldman,

Individual and Representative Plaintiffs,

v.

Meta Platforms, Inc.

Defendant.

**Case No. 3:23-cv-04663-DR**

**PLAINTIFFS' ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED (L.R. 3-12, 7-11)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs Richard Kadrey, Sarah Silverman, and Christopher Golden in Case No. 3:23-cv-03417-VC (N.D. Cal.) (the “*Kadrey Action*”), submit this administrative motion to consider whether the matter *Chabon, et al. v. Meta Platforms Inc.*, No. 3:23-cv-04663-DR, (N.D. Cal.) (the “*Chabon Action*”), filed in this district on Sept. 12, 2023, should be related to the *Kadrey Action* now pending in this District before this Court.

### **INTRODUCTION**

The *Chabon Action* should be related to the *Kadrey Action*. The *Chabon Action* concerns substantially the same parties, transactions, and events at issue in the *Kadrey Action*. Saveri Decl., Ex. A (*Chabon Complaint*).<sup>1</sup> In both actions, the plaintiffs all allege, on behalf of the same putative class, Meta Platforms, Inc. (“Meta” or “Defendant”) engaged in actions related to the creation and operation of LLaMA, a large language model artificial intelligence product, that violated Plaintiffs’ rights under, *inter alia*, the Copyright Act (17 U.S.C. § 106), the Digital Millennium Copyright Act (17 U.S.C. §§ 1201–1205), California’s Unfair Competition Law (Cal. Bus. & Prof. Code §§ 17200, *et seq.*) and California Negligence and Unjust Enrichment law. Judicial economy and efficiency favor the Court finding that the cases are related; if the cases are not related, then it is likely to result in duplication of efforts, increased burden on the courts, and expense for the parties. The Plaintiffs in the *Chabon Action* do not oppose this motion to relate. Saveri Decl., ¶4. Meta, has been served and appeared in the *Kadrey Action*, and is also unopposed to this motion to relate. *Id.*

### **DISCUSSION**

The *Chabon* and *Kadrey Actions* fall squarely within the definition of “Related Cases” under the Civil Local Rules. Civil Local Rule 3-12(a) provides that actions are related when “(1) the actions concern substantially the same parties, property, transaction or event; and (2) it

---

<sup>1</sup> “Saveri Decl.” refers to the Declaration of Joseph R. Saveri in Support of Plaintiff’s Administrative Motion to Consider Whether Cases Should be Related, concurrently filed herewith.

appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Both parts (1) and (2) of the definition of a related case apply here.

*First*, the *Chabon* and *Kadrey* Actions concern substantially the same parties, products, and events. Both are class actions with the same causes of action, as set forth above. Both complaints focus on the same actions by Defendants, such as the creation, training, operation, and distribution of LLaMA, Meta’s large language model artificial intelligence product. Both actions assert Meta violated Plaintiffs’ rights under the Copyright Act by engaging in direct and vicarious copyright infringement, the DMCA by removing Copyright Management Information (“CMI”) from Plaintiffs’ works and distributing derivative works without that CMI and/or with false CMI, and California causes of action for violations of the UCL, for negligence and unjust enrichment. Both actions request damages, declaratory judgment, and injunctive relief.

*Second*, “burdensome duplication of labor and expense” will result if the matters proceed before different courts. Civil L.R. 3-12(a)(2). This Court, as part of the *Kadrey* Action, will already have to adjudicate the same claims as the *Chabon* plaintiffs. That adjudication will require a detailed factual examination of how LLaMA was created, trained, modified, and operated. A different court would not have the same familiarity with the predicate facts, meaning that the other court and the parties would need to expend significant time and resources to duplicate the efforts that this Court will undertake. Furthermore, the parties in the *Chabon* and *Kadrey* Actions will need to brief similar issues, and produce similar expert reports, which require significant time and money that would be better spent through coordinated efforts.

Courts in this District also routinely order that cases are related when they involve the same types of claims against the same defendants brought by different plaintiffs. *See, e.g.*, Order Relating Cases, *Reece v. Altria Group, Inc., et al.*, No. 20-cv-02345-WHO (N.D. Cal. May 7, 2020), ECF No. 27.

**CONCLUSION**

Adjudication of these actions before separate judges would create both an unduly burdensome duplication of labor and expense and the possibility of conflicting results, given the common parties, allegations, and requested relief. Relating the *Chabon* Action with the pending *Kadrey* Action will help eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary.

For the reasons set for above, Plaintiffs Richard Kadrey, Sarah Silverman, and Christopher Golden respectfully request that the Court relate the *Chabon* Action to the *Kadrey* Action, pursuant to Local Rule 3-12(a).

Dated: September 19, 2023

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

Joseph R. Saveri (State Bar No. 130064)  
Cadio Zirpoli (State Bar No. 179108)  
Christopher K.L. Young (State Bar No. 318371)  
Kathleen J. McMahon (State Bar No. 340007)  
**JOSEPH SAVERI LAW FIRM, LLP**  
601 California Street, Suite 1000  
San Francisco, California 94108  
Telephone: (415) 500-6800  
Facsimile: (415) 395-9940  
Email: jsaveri@saverilawfirm.com  
czirpoli@saverilawfirm.com  
cyoung@saverilawfirm.com  
kcmcmahon@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)  
1920 Hillhurst Avenue, #406  
Los Angeles, CA 90027  
Telephone: (323) 968-2632  
Facsimile: (415) 395-9940  
Email: mb@buttericklaw.com

*Counsel for Plaintiffs and the Proposed Class*